

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re:

Boysin Ralph Lorick and
Cynthia Theresa Lorick,

Chapter 11

Case No. 16-45645-NHL

Debtors.

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NOTICE OF SETTLEMENT OF ORDER

PLEASE TAKE NOTICE that on **January 8, 2019 at 4:00 p.m.**, the annexed *Order Directing Additional Distribution from Sale Proceeds to Wells Fargo Bank, N.A.* will be submitted for signature to the Honorable Nancy Hershey Lord, United States Bankruptcy Judge, United States Bankruptcy Court for the Eastern District of New York, Conrad B. Duberstein Courthouse, 271-C Cadman Plaza East, Suite 1595, Brooklyn, NY 11201-1800.

PLEASE TAKE FURTHER NOTICE that counter-orders, if any, shall be filed with the Court and served upon the undersigned so as to be received no later than **January 7, 2019 at 4:00 p.m.**

Dated: December 20, 2018
New York, New York

KILPATRICK TOWNSEND AND STOCKTON LLP

/s/ Keith Brandofino

Keith Brandofino, Esq. (KB 2128)

The Grace Building

1114 Avenue of the Americas

New York, New York 10036-7703

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and

Colin M. Bernardino, Esq. (Ga. Bar No. 054879)
(Admitted *pro hac vice*)

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*Counsel for Wells Fargo Bank, as Trustee for the registered
holders of Sovereign Commercial Mortgage Securities
Trust, 2007-C1, Commercial Pass-Through Certificates,
Series 2007-C1*

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re:

Boysin Ralph Lorick and
Cynthia Theresa Lorick,

Chapter 11

Case No. 16-45645-NHL

Debtors.

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**ORDER DIRECTING ADDITIONAL DISTRIBUTION
FROM SALE PROCEEDS TO WELLS FARGO BANK, N.A.**

WHEREAS, on December 2, 2017, Wells Fargo Bank, N.A., as Trustee for the registered holders of Sovereign Commercial Mortgage Securities Trust, 2007-C1, Commercial Pass-Through Certificates, Series 2007-C1 (the “Lender”) filed its *Application for Order Directing Distribution of Sale Proceeds to Wells Fargo Bank, N.A.* [Dkt. No. 191] (the “Distribution Motion”) seeking distribution of proceeds (the “Sale Proceeds”) from the sale of the Debtors’ property located at 3126 Coney Island Avenue, Brooklyn, New York 11235 (the “Property”) to satisfy Wells Fargo’s claim against the Debtors [Claim Nos. 8 and 9];

WHEREAS, on December 29, 2017, the Court entered an order granting the Distribution Motion in part, awarding the Lender a partial distribution of \$4,039,705.02 from the Sale Proceeds;

WHEREAS, on March 2, 2018, the Debtors filed a motion pursuant to section 506(c) of the Title 11 of the United States Code seeking to surcharge certain expenses, including \$73,997.53 for services performed at the Property by Partner Engineering and Science, Inc. (“Partner”) as set forth in Proof of Claim No. 12 filed on November 22, 2017, against the Lender’s collateral (the “Surcharge Motion”);

WHEREAS, on August 9, 2018, the Court entered its Memorandum Decision and Order further granting the Distribution Motion, in part, and directing the payment of an additional

\$1,165,658.97 from the Sale Proceeds to the Lender, less the allowed amount of Partner's claim, which the Court determined should be surcharged to the extent that such claim was deemed allowed;

WHEREAS, on October 1, 2018, Partner filed its *Withdrawal by Partner Engineering and Science, Inc. of Proof of Claim [Claims Register No. 12]* [Dkt. No. 327], which is attached hereto as **Exhibit A**;

WHEREAS, on October 5, 2018, counsel to the Lender filed a letter [Dkt. No. 328] requesting that the Court direct that \$73,997.53 be disbursed to the Lender based upon Partner's withdrawal of its claim;

WHEREAS, a hearing was held before the Court on December 13, 2018;

WHEREAS, the Court has considered all related documents filed and all oral arguments presented to the Court;

IT IS HEREBY ORDERED that:

1. As a result of Partner's withdrawal of Proof of Claim No. 12-1, the Lender is entitled to a further and final payment of \$73,997.53.
2. Ortiz & Ortiz LLP is directed to disburse \$73,997.53 to the Lender from the Sale Proceeds held by Ortiz and Ortiz within five business days of entry of this Order.
3. Partner is barred from asserting any and all claims against the Debtors, the Lender, and Douglas Rosenberg, solely in his capacity as Receiver for the Property that were asserted or could have been asserted in connection with the claim that gave rise to Proof of Claim No. 12-1.

EXHIBIT A

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK**

In re:)	Chapter 11
)	
BOYSIN RALPH LORICK;)	Case No. 1-16-45645-nhl
CYNTHIA THERESA LORICK,)	
)	
Debtors.)	
)	

**WITHDRAWAL BY PARTNER ENGINEERING AND
SCIENCE, INC. OF PROOF OF CLAIM [CLAIMS REGISTER NO. 12]**

Partner Engineering and Science, Inc., by and through its undersigned counsel hereby
withdraws its proof of claim [Claims Register No. 12] filed in the above-styled case.

This 1st day of October, 2018.

Respectfully submitted,

/s/ Donald F. Campbell, Jr.

Donald F. Campbell, Jr., Esq.

GIORDANO, HALLERAN & CIESLA, P.C.

125 Half Mile Road, Suite 300

Red Bank, N.J. 07701

Telephone: (732) 741-3900

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Email: dcampbell@ghclaw.com

Counsel for Partner Engineering and Science, Inc.

CERTIFICATE OF SERVICE

The undersigned certifies that on October 1, 2018, a copy of the WITHDRAWAL BY PARTNER ENGINEERING AND SCIENCE, INC. OF PROOF OF CLAIM [CLAIMS REGISTER NO. 12] was deposited in an enclosed, properly addressed postage-paid envelope, and served by first class mail upon the following parties:

Dated: October 1, 2018

/s/ Deirdre Rice
Paralegal
GIORDANO, HALLERAN & CIESLA, P.C.
125 Half Mile Road, Suite 300
Red Bank, N.J. 07701
Telephone: (732) 741-3900
Facsimile: (732) 224-6599

VIA FIRST CLASS MAIL

Norma E Ortiz Ortiz & Ortiz LLP 32-72 Steinway Street Suite 402 Astoria, NY 11103	Nazar Khodorovsky Eastern District of NY (Brooklyn Office) U.S. Federal Office Building 201 Varick Street Suite 1006 New York, NY 10014
Office of the United States Trustee Eastern District of NY (Brooklyn Office) U.S. Federal Office Building 201 Varick Street, Suite 1006 New York, NY 10014	Boysin Ralph Lorick Cynthia Theresa Lorick 3126 Coney Island Avenue Apt 5D Brooklyn, NY 11235
CBNA, LLC 201 Skyline Drive Dickson, TN 37055-2544	Chase Bank USA, NA PO Box 15298 Wilmington, DE 19850
Chase Card PO Box 15298 Wilmington, DE 19850	Citibank c/o Milstead & Assoc. LLC 1 East Stow Road Marlton, NJ 08053
Comenity Bank/Bealls Bankruptcy Department PO Box 182125 Columbus, OH 43218-2125	Discover Financial Serv. P.O. Box 15316 Wilmington, DE 19850-5316
Douglas Rosenberg BPC Management Corp. 80 Livingston Street Brooklyn, NY 11201	DSNB Macy's 9111 Duke Boulevard Mason, OH 45040
NYC Department of Finance P.O. Box 680 Newark, NJ 07101	Target P.O. Box 1327 Minneapolis, MN 55440

Boysin Ralph Lorick Cynthia Theresa Lorick 38 Utica Road Edison, NJ 08820	Office of the Attorney General The Capitol Albany, NY 12224-0341
Office of the Attorney General New York City Office 120 Broadway New York City, NY 10271-0332	Department of Environmental Protection Customer Service Center 59-17 Junction Boulevard, 13th Floor Flushing, NY 11373
New York State Department of Environmental Conservation 625 Broadway Albany, New York 12233-0001	Robert W. Griswold Shapiro, DiCaro & Barak, LLC One Huntington Quadrangle Melville, NY 11747-4401
Capital One Bank (USA), NA PO Box 71083 Charlotte, NC 28272-1083	Quantum3Group LLC as agent for MOMA Funding LLC PO Box 788 Kirkland, WA 98083-0788
David J. Doyaga, Sr. Doyaga & Schaefer 26 Court St. Suite 1002 Brooklyn, New York 11242	Karamvir Dahiya Dahiya Law Offices, LLC 75 Maiden Lane Suite 506 New York, NY 10038
Certilman Balin Adler & Hyman, LLP Attention: Richard J. McCord, Esq. Carol A. Glick, Esq 90 Merrick Avenue, 9th Floor East Meadow, New York 11554	Synchrony Bank c/o PRA Receivables Management, LLC PO Box 41021 Norfolk, VA 23541
Marilyn Macron P.C. 211 Beach 134th Street Belle Harbor, NY 11694	Capital One Bank PO Box 30281 Salt Lake City, UT 84130
Internal Revenue Service P.O. Box 7346 Philadelphia, PA 19101-7346	Directv, LLC by American InfoSource LP as agent PO Box 5008 Carol Stream, IL 60197-5008

Wells Fargo Bank, N.A. Home Equity Group 1 Home Campus X2303-01A Des Moines, IA 50328	Portfolio Recovery Associates, LLC c/o The Home Depot Consumer POB 41067 Norfolk VA 23541
Dept of Housing & Preservation & Development NYC DHPD NYC Atn: R Lifshy 100 Gold St Rm 6t3 New York NY 10038	David Pour, Esq. Pour & Associates, LLP 10 Cutter Mill Road, Suite 406 Great Neck, NY 11021
Elazer Aryeh, Esq. Elazer Aryeh PC 110-20 71 st Road, Suite 110 Forest Hills, NY 11375	Jack Geula One Horizon Way Great Neck, NY 11024
Jane Nadelson, Esq. 3024 Coney Island Avenue Brooklyn, NY 11235	Mohammad Choudhary 3076 Coney Island Avenue Brooklyn, NY 11235
The Home Depot/CBNA P.O. Box 6497 Sioux Falls, SD 57117-6497	Aleksandra K. Fugate Woods, Oviatt, Gilman LLP 700 Crossroads Building, Two State Street Rochester, New York 14614
Colin M. Bernardino, Esq. Kilpatrick Townsend & Stockton LLP 1100 Peachtree Street, Suite 2800 Atlanta, Georgia 30309	

Docs #3400702-v1

CERTIFICATE OF SERVICE

I hereby certify that on December 20, 2018, a true and correct copy of the foregoing Notice was filed electronically with the Court's CM/ECF filing system which in turn will generate an electronic notice of filing to all those who have requested or consented to electronic service in this chapter 11 case.

I further certify that the on December 20, 2018, a true and correct copy of the foregoing Notice was served upon the parties listed below, via First Class US Mail, postage prepaid.

VIA FIRST CLASS MAIL

Karamvir Dahiya, Esq. Dahiya Law Offices, LLC 75 Maiden Lane Suite 506 New York, NY 10038	Norma E. Ortiz, Esq. Ortiz & Ortiz LLP 32-72 Steinway Street Suite 402 Astoria, NY 11103
Donald F. Campbell, Jr., Esq. Giordano, Halleran & Ciesla, P.C. 125 Half Mile Road, Suite 300 Red Bank, NJ 07701	Douglas R. Rosenberg BPC Management Corporation 80 Livingston Street Brooklyn, NY 11201

Dated: December 20, 2018

/s/ Keith Brandofino
Keith Brandofino